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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,363	01/31/2002	Paul Finster	GIST-004/00US	2481

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EXAMINER
SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/066,363	FINSTER ET AL.
		Examiner	**Art Unit**	
		Annan Q. Shang	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*31 January 2002*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>*7/02;7/03*</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office

action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-4, 6 and 8-15 are rejected under 35 U.S.C. 102(b) as being

anticipated by **Alexander et al (6,177,931)**.

As to claims 1-2, note the **Alexander** reference figures 1 and 3-9 discloses

systems and methods for displaying and recording control interface with TV programs,

video ads information and EPG information and further discloses a method for operating

a set top box (STB or Information Cable Box 'ICB' 24, fig.1 and col.3, lines 1-25), the

method comprising:

A processor; a memory device connected to the processor; and a plurality of

instructions stored on the memory device (all inherent to a Computer at Head end 'HE'

or EPG Web Server, col.8, lines 36-64 and col.29, lines 14-37), the plurality of

instructions configured to cause the processor to:

Identifying a plurality of programming information display options (Head end 'HE'

or EPG Web Server 'EPG-WS,' HE/EPG-WS, col.5, line 54-67, col.6, lines 12-28, line

56-col.7, line 30, line 46-56, col.8, line 36-64 and col.29, lines 14-col.30, line 1+);

Generating, at the listing server (HE/EPG-WS), a first display configuration, where the first display configuration corresponds to a first combination of the options included in the plurality of programming information display options (col.5, line 54-67, col.6, lines 12-28, line 56-col.7, line 30, line 46-56, col.29, lines 14-col.31, line 1+);

Generating, at a programming listing server, a second display configuration where the second display configuration corresponds to a second combination of the options included in the plurality of programming information display options, storing the first display configuration and the second display configuration in a memory associated with the programming listing server (col.5, line 54-67, col.6, lines 12-28, line 56-col.7, line 30, line 46-56, col.29, lines 14-col.31, line 1+);

Selecting one of the display configuration and the second display configuration to send to the viewer, where the first display configuration is sent to the viewer responsive to the viewer being associated with the first combination of the options and where the second display configuration is sent to the viewer responsive to the viewer being associated with the second combination of the options and providing the selected one of the first display configuration and the second display configuration to the viewer (col.7, lines 1-17, col.24, lines 30-40, col.28, line 12-col.29, line 67, col.30, line 45-col.32, line 1+), note that the data can be stored at the user location on at the HE or WWW Server and the EPG application is responsive to user command where a use can instruct the EPG to automatically tune to a particular channel guide on channel and further the broadcaster or HE can streaming various portions of the EPG or channel to the ICB-24 in real-time or on-going basis.

As to claim 2, Alexander further discloses where the programming information display options comprises a plurality of viewing preferences selectable by the viewer (col.6, lines 65-col.7, line 30, lines 46-56, col.18, line 1-67) and comprises STB characteristics (col.28, lines 22-29)

A to claim 3, Alexander further discloses where the programming information display options comprise a STB characteristic (col.28, lines 10-29 and col.29, line 56-col.30, line 58).

A to claim 4, Alexander further discloses where the display configuration comprises an HTML page and XML page (col.8, lines 36-64 and col.18, line 1-67)

Claim 6 is met as previously discussed with respect to claim 4.

A to claim 8, Alexander further discloses receiving a request from the viewer for programming information and determining which combination of the options is associated with the viewer (col.7, lines 1-30-lines 47-56, col.8, line 22-64, col.24, lines 31-40, col.29, lines 14-30 and line 56-col.30, line 58).

As to claim 9, Alexander further discloses generating at the programming listing server an indication to update a viewer-local program listing source and determining which combination of options is associated with the viewer, where providing the selected one of the first display configuration and the second display configuration to the viewer comprises, responsive to the indication, pushing the selected one of the first display configuration and the second display configuration to the viewer-local program listing source (col.7, lines 1-30-lines 47-56, col.8, line 22-64, col.24, lines 31-40, col.29, lines 14-30 and line 56-col.30, line 58).

As to claim 10, the claimed "A system for presenting programming information to a viewer, the system comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

As to claim 11, the claimed "A method for presenting programming information to a viewer, the system comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

Claim 12 is met as previously discussed with respect to claim 3.

Claim 13 is met as previously discussed with respect to claim 8.

As to claim 14, Alexander further discloses caching at the program-listing server, the selected one of the plurality of display configurations (col.24, lines 31-40 and col.29, lines 14-30 and line 56-col.30, line 58).

As to claim 15, the claimed "A system for presenting programming information to a viewer, the system comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alexander et al (6,177,931)** as applied to claim 1 above, and further in view of **Watson et al (2004/0049574).**

As to claims 5 and 7, Alexander teaches using a browser application, but fails to explicitly teach where the EPG application comprises JavaScript code and where the programming information data structure comprises a JavaScript data structure.

However, note the **Watson** reference figures 1-6, discloses a Web Server which responds to request message from a remote user device (PDA, PC, WAP Phone, TV, etc.,) and dynamically generates a menu based on extracted information or cookie, e.g., memory capacity, manufacturer identifier, etc., receive from the device (fig.5, page 2, [0046], [0051-53], page 5, [0074-0077]) and further teaches Java application and generating a menu using JavaScript (page 2, [0047-0048] and [0068-0070]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Watson into the system of Alexander to run a secure and platform-neutral application that is more robust and manages memory on its own.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Klopfenstein et al. (6,985,190), disclose real-time signal strength display of terrestrial digital TV signals.

Hind et al. (6,715,129), disclose achieving application-specific document content by transcoding using Java server pages.

Abato et al. (6,513,069), disclose enhanced video programming system and method for providing a distributed community network.
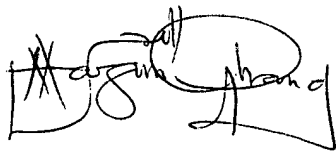
Li et al. (6,345,279), disclose methods and apparatus for adapting multimedia content for client devices.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the **Electronic**

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from

a **USPTO Customer Service Representative** or access to the automated information

system, call **800-786-9199 (IN USA OR CANADA) or 571-272-1000.**

Annan Q. Shang